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**To:** [Mailroom Mailbox](#)  
**Cc:** [Lynette Wharfe](#); [Angela Halliday](#)  
**Subject:** Submission on Proposed Plan Change 4 to the Canterbury Land and Water Regional Plan  
**Date:** Monday, 12 October 2015 4:19:50 p.m.  
**Attachments:** [PC 4 LWP Submission.pdf](#)

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Good afternoon

Please find attached a Submission from Horticulture New Zealand on Proposed Plan Change 4 to the Canterbury Land and Water Regional Plan (the Omnibus Variation).

Kind regards  
Eve

**Eve Williams** | Executive Assistant to Chris Keenan & Angela Halliday | Horticulture New Zealand

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**Horticulture NZ calls for growers to get involved in freshwater management. See growers speak out [here](#)**

## SUBMISSION ON PROPOSED PLAN CHANGE 4 TO THE CANTERBURY LAND AND WATER REGIONAL PLAN

**TO:** Environment Canterbury

**SUBMISSION ON:** Proposed Plan Change 4 to the Canterbury Land and Water Regional Plan

**NAME:** Horticulture New Zealand

**ADDRESS:** PO Box 10 232  
WELLINGTON

1. **Horticulture New Zealand's submission, and the decisions sought, are detailed in the attached schedules:**

Schedule 1: Submissions on Proposed Plan Change 4

This submission is also made on behalf of the Horticulture Canterbury which incorporates fruit, vegetable and berry growers in Canterbury. Contact details are available from Horticulture New Zealand.

2. **Horticulture New Zealand wishes to be heard in support of this submission.**

3. **Background to Horticulture New Zealand and its RMA involvement:**

3.1 Horticulture New Zealand was established on 1 December 2005, combining the New Zealand Vegetable and Potato Growers' and New Zealand Fruitgrowers' and New Zealand Berryfruit Growers Federations.

3.2 On behalf of its 5,400 active grower members Horticulture New Zealand takes a detailed involvement in resource management planning processes as part of its National Environmental Policies. Horticulture New Zealand works to raise growers' awareness of the RMA to ensure effective grower involvement under the Act, whether in the planning process or through resource consent applications. The principles that Horticulture New Zealand considers in assessing the implementation of the Resource Management Act 1991 (RMA) include:

- The effects based purpose of the Resource Management Act,
- Non-regulatory methods should be employed by councils;
- Regulation should impact fairly on the whole community, make sense in practice, and be developed in full consultation with those affected by it;
- Early consultation of land users in plan preparation;
- Ensuring that RMA plans work in the growers interests both in an environmental and sustainable economic production sense.

4. **Trade Competition**

Pursuant to Schedule 1 of the Resource Management Act Horticulture NZ is not a body that could gain an advantage in trade competition through this submission.

Thank you for the opportunity to submit on the Proposed Plan Change 4 to the Canterbury Land and Water Regional Plan.



Angela Halliday  
**Advisor– Natural Resources and Environment  
Horticulture New Zealand**

Dated: 12 October 2015

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## Schedule One: Submissions on Proposed PC 4

### 1.1 Definitions

#### 1.1.1 Earthworks - Opposed

It is proposed to amend the definition of earthworks by amending the exclusion clause a): cultivation of the soil ~~for the establishment of crops or pasture~~ on production land established prior to 5 September 2015

It is unclear what the intent of the change is and whether the date applies to the 'cultivation of the soil' or the 'production land' activity.

The s32 does not appear to have any reasons for the proposed change. The effect is that some cultivation activities may be classed as earthworks. The amendment categories indicate that the changes are linked to 'vegetation and earthworks in beds of lakes and rivers and riparian margins, discharges of floodwaters and fine sediment removal from rivers'. However the effect of the changes to the definition goes beyond those provisions in the Plan.

#### **Decision sought:**

Retain the definition of earthworks as in the Land and Water Plan.

#### 1.1.2 Vegetation clearance - Opposed

It is proposed to amend the definition of vegetation clearance by amending the exclusion clause a): cultivation or harvesting ~~for the establishment~~ of crops or pasture on production land established prior to 5 September 2015

It is unclear what the intent of the change is and whether the date applies to the 'cultivation and harvesting' or the 'production land' activity.

The s32 does not appear to have any reasons for the proposed change. The effect is that some cultivation and harvesting activities may be classed as vegetation clearance. The amendment categories indicate that the changes are linked to 'Vegetation and earthworks in beds of lakes and rivers and riparian margins, discharges of floodwaters and fine sediment removal from rivers'. However the effect of the changes to the definition goes beyond those provisions in the Plan.

#### **Decision sought:**

Retain exclusion a) in definition of vegetation clearance as in the Land and Water Plan.

#### 1.1.3 Sediment laden water – Opposed in part

The Plan Change seeks to include a definition for 'sediment laden water with the definition being linked to activities including earthworks and vegetation clearance. As stated above the definitions for both vegetation clearance and earthworks are sought to be amended but the intent and meanings are not clear. As currently written the policies and rules relating to 'sediment laden water could apply to some cultivation. If rules are sought for cultivation they should be specifically provided for.

**Decision sought:**

Retain exclusion a) in definition of vegetation clearance as in the Land and Water Plan and the definition of earthworks as in the Land and Water Plan.

1.1.4 Drainage system – Opposed

The definition of drainage system is proposed to be amended to only relating to drainage from agricultural or rural land. The effect of this is regarded as a ‘miscellaneous change’. However the rewording of the relating rules and the proposed changes to the definition of drainage water mean that the provisions are targeted at agricultural or rural land. It needs to be clear why the provisions are activity based rather than effects based.

**Decision sought:**

Retain definition of drainage system as in the Land and Water Plan.

1.1.5 Drainage water – Opposed

The definition of drainage water is proposed to be amended to only relating to drainage from agricultural or rural land. The effect of this is regarded as a ‘miscellaneous change’. However the rewording of the relating rules and the proposed changes to the definition of drainage system mean that the provisions are targeted at agricultural or rural land. It needs to be clear why the provisions are activity based rather than effects based.

**Decision sought:**

Retain definition of drainage water as in the Land and Water Plan.

1.2 Policies

1.2.1 Policy 4.13

The Plan Change seeks to amend Policy 4.13 relating to the approach to discharge of contaminants to land or to water which includes provisions for reasonable mixing. The Plan Change seeks to add a ‘second priority’ for no further degradation where the quality of the water to which the discharge is to be made is already degraded. This approach is supported.

**Decision sought:**

Retain Policy 4.13 e) as notified.

1.3 Rules

1.3.1 Rule 5.114 - Oppose

The proposed changes to Rule 5.114 unfairly penalises horticultural operations that may be located on a property of less than 20 ha. All land that is being used for production purposes should be treated fairly and equitably. In addition there is no provision for a property of less than 20ha in area to apply for a restricted discretionary consent to take water.

**Decision sought:**

Retain Rule 114 as in the Land and Water Plan.

1.3.2 Rule 5.114A - Oppose

The proposed new Rule 5.114A unfairly penalises horticultural operations who may be located on a property of less than 20 ha as there is no provision for a property of less than 20ha in area to apply for a restricted discretionary consent to take water. All land that is being used for production purposes should be treated fairly and equitably.

**Decision sought:**

Amend Rule 5.114A by adding:

c) less than 5L/s and more than 10m<sup>3</sup> but less than 100m<sup>3</sup> per property per day of groundwater on a property less than 20ha in area.

1.3.3 Rule 5.123 Oppose in part

Proposed changes to Rule 5.123 seek to add additional conditions relating to provision of Farm Environment Plan when considering takes and uses of water.

Preparation of a Farm Environment Plan is supported however the focus should be on ensuring that the water is being used efficiently.

**Decision sought:**

Amend Rule 5.123 as follows:

Where the water is to be used for irrigation, the preparation and implementation of a Farm Environment Plan in accordance with Schedule 7 that demonstrates that the water is being used efficiently ~~to manage the effects arising from the use of the water.~~

1.3.3 Rule 5.128 Oppose in part

Proposed changes to Rule 5.128 seek to add additional conditions relating to provision of Farm Environment Plan when considering takes and uses of water.

Preparation of a Farm Environment Plan is supported however the focus should be on ensuring that the water is being used efficiently.

**Decision sought:**

Amend Rule 5.128 as follows:

Where the water is to be used for irrigation, the preparation and implementation of a Farm Environment Plan in accordance with Schedule 7 that demonstrates that the water is being used efficiently ~~to manage the effects arising from the use of the water.~~

## 1.4 Schedules

### 1.4.1 Schedule 25 – support in part

The Proposed Plan Change seeks to add Schedule 25 – Water supply strategy for consent applications for community water supply.

The schedule requires a drought management plan to be included that has methods to reduce consumption during water shortage conditions particularly consumption by non-essential agricultural, residential, industrial or trade processes.

Horticulture NZ would prefer that the wording referred to essential human health and sanitation requirements.

**Decision sought:**

Amend Schedule 25 5 1) methods to reduce consumption during water shortages for all uses;

Add 1a) methods to provide for essential human health and sanitation requirements